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Kahlos, Ritva Tuulikki Maijastin

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Recognizing the Road:

Graeco-Roman Appeals for Religious Diversity in the Late Roman Empire

Maijastina Kahlos

1. Introduction

After Emperor Constantine (regn. 306-337) started supporting Christianity, the succeeding Roman rulers with one exception were Christian and gave their support to Christianity, in one form or another. In the course of the fourth century CE, the power relations between religious inclinations fluctuated. It was by no means self-evident which would get the upper hand and prevail in the Mediterranean area. The details, for instance, the speed, depth and width of Christianization, are continuously debated in scholarship. Even the concept of Christianization is problematic.[1] What we can state with certainty is that Christianity in its many forms becomes dominant in our sources and traditional religions, conventionally called 'paganism',[2] gradually fade away from the public space.

Consequently, the fourth century was a period of repeatedly changing tides. In these circumstances, issues that we moderners call religious freedom, toleration and recognition were intensely discussed – both in connection with intra-Christian disputes and in connection with inter-religious debates.[3]

This article looks at the ways in which two fourth-century writers, the Greek rhetorician and philosopher Themistius (c. 317-388) and the Roman senator Symmachus (c. 345-c. 402), understood and conceptualized the religious changes in the late Roman Empire after the so called Constantinian Turn.[4] Both writers discussed the alterations in the religious policies of fourth-century emperors and spoke for religious diversity, asking for the recognition of traditional religions, 'paganism'.

First, I review the religious changes in the fourth-century Empire in order to open up the historical context in which these ideas were articulated. Second, I ask what recognition of a religious group or tradition in the context of late Roman society might have meant in everyday life reality. Then, I

[1] The criteria of what constituted Christianization varied in Late Antiquity and still vary in the modern research, depending on who defined and defines the phenomenon.

[2] The words 'pagans' and 'paganism' should be read with quotation marks commas throughout this article. The same applies to the words 'heretics', 'heresy', 'Arians' and 'Arianism'.

[3] For intra-Christian disputes, see the contribution by Marcos in this volume.

[4] Both writers, especially Symmachus, and the controversy over the Victoria altar, have been widely discussed in the research of Late Antiquity even though they are absent in the general histories of religious toleration.

discuss the ideas articulated by Themistius and Symmachus, focusing on the arguments for the compatibility of all religions – the metaphor of many paths – and for the utility of competition. Finally, I look at the reaction that Symmachus' appeal raised, from the side of the Christian bishop Ambrose.

2. Religious Changes in the Fourth Century

In 313, Emperors Constantine and Licinius issued a proclamation, the *Letter of Licinius*, usually but erroneously called the *Edict of Milan*. Licinius and Constantine granted everyone the freedom to follow whatever *religio* one wanted. Christians were specifically recognized by the emperors as one of the permitted groups. The emperors speak of the supreme divinity whose goodwill and benevolence are maintained when no one is denied freedom of *religio*. Furthermore, the emperors hope that the divine goodwill that the emperors have enjoyed so far will continue to ensure the public welfare. This is the late antique pompous way of expressing expectations of devotion from the subjects and citizens towards the imperial rule.[5] Thus, the recognition by the emperors was not unconditional but was attached to the allegiance shown by subjects. Before Christian emperors, the loyalty was often presented in the manifold communal ceremonies, for instance, in sacrifices and libations for the welfare of the emperor, whereas Christian emperors expected prayers for the wellbeing of the emperor.[6] Showing this allegiance in the form of sacrificial rituals or prayers can be compared with the modern tax reports.

Emperor Constantine started supporting Christianity, abundantly indeed, with donations and privileges. This was no novelty in Graeco-Roman Antiquity – rulers had showed their favour for certain cults and deities by pouring donations to temples and granting privileges to priests. Thus, Christianity became the emperor's favourite religion. This does not mean that Christianity became a

[5] Lactantius, *De mortibus persecutorum* 48.3: *liberam potestatem sequendi religionem quam quisque voluisset*; the text in Greek in Eusebius, *Historia ecclesiastica* 10.5. The 'Edict of Milan' is an erroneous term: the imperial proclamation was neither pronounced in Milan nor technically an edict. Constantine and Licinius made a proclamation of their common religious policy after having formed an alliance with one another. The proclamation is traditionally regarded as the turning point in the religious history of the Roman Empire, which it necessarily is not, since another proclamation by Galerius two years earlier basically set the same principles.

[6] Early Christian apologists, e.g., Tertullian (*Apologeticum* 29.5-30.1; 33.2; *Ad Scapulam* 2.9), had offered the prayer of Christians on behalf of the emperor as the marker of loyalty to the emperor, instead of traditional sacrifice. In the early fourth century in Galerius' proclamation in 311 (in Lactantius, *De mortibus persecutorum* 34.4-5) the prayer for the imperial rule was represented as an indication of a subject's fidelity. Kahlos 2012, 259-274. For prayers in Themistius' oration, see below (n. 42).

state religion – that is a modern concept and anachronism.

It is impossible to detect what were Constantine's or the succeeding emperors' personal convictions and is not our concern here. What is important here is which religious inclinations were recognized by emperors as permitted ones. In regard to traditional Graeco-Roman polytheistic cults, Constantine by no means concealed his personal repugnance towards many traditional practices, especially animal sacrifice. However, he allowed public sacrifices to continue. He did not assume the policy of coercion against adherents of old cults. To sum up, Constantine's policy could be depicted as concord (M. Turchetti), or permission concept of tolerance (R. Forst) or reluctant forbearance (M. Kahlos).[7]

Constantine's successors displayed their Christian sympathies in their proclamations. Some of them supported Christianity in its Nicene form, others in its Homoian form (conventionally called 'Arian'). In the manner of Constantine, several emperors, especially Constantius II, showed their repugnance to many traditional practices, especially animal sacrifice. Animal sacrifices were forbidden with harsh words and threats in imperial legislation. A number of temples were ordered to be closed.[8] However, many local practices were permitted to continue, in imperial rulings with specific mention that they were necessary in the life of the people. We perceive emperors as balancing between showing their revulsion for traditional religious practices, probably the rigorist Christian circles as their audience, and trying to maintain social stability.[9]

During this period of changing tides, in addition to the Nicene – Homoian ('Arian') fluctuation, there was Christian – Hellene (pagan) alternation. Emperor Julian (361-363) promoted Hellenism (paganism) and he was explicitly hostile to Christianity. He had been raised as a Christian but he was converted into Hellenism. Julian represented his religious policy as guided by condescending

[7] For a general survey on Constantine's religious policy and the modern disputes on Constantine, see Lenski 2006, 1-13. Turchetti 1991, 15-25 uses the concept 'concord' to depict policy in which a government allows what it finds offensive but only because it regards this policy as the best method to achieve unity; the ultimate target of concord is unity and unanimity. For the permission concept of tolerance, see Forst in Brown & Forst 2014, 25-26, and for the reluctant forbearance, Kahlos 2009, 58-59.

[8] Constantine's sons and successors, especially Constantius II (337-361), also Constantine II (337-340) and Constans (337-340). Some prohibitions against sacrifices and divination (e.g., *Codex Theodosianus* 9.16.4 and 9.16.16) followed earlier Roman legislation against private practices. For the fourth-century legislation, uncertainties and the enforcement of laws, see Salzman 1987, 179-180 and Kahlos 2009, 64-66.

[9] For continuities, see Curran 2000, 161-193.

moderation that resembles Constantine's reluctant forbearance. Neither Constantine nor Julian concealed their ultimate wish to wipe out what they saw as impiety, in Constantine's case 'idolatry' (that is, traditional cults), in Julian's case 'atheism' (that is, Christianity).[10] Both emperors wished to see all their subjects as embracing what they considered piety.

3. Late Antique Struggles for Recognition

The struggles for religious recognition in late Roman society can be examined from two perspectives, vertical and horizontal. First, on the one hand, groups or individuals seek the recognition from the emperor. On the other hand, emperors also seek recognition from their subjects, citizens, aristocrats and bishops. Constantine, for instance looked for support Christians and this led him to recognize them as a permitted group.

Second, individuals and groups seek the horizontal recognition among their peers.[11] In our cases of Themistius and Symmachus, these writers sought recognition from the leading Christians, bishops, Christians at the imperial court, landowners and aristocrats. This does not mean that various religious groups in late Roman society were reciprocal search for love, respect and esteem. Rather, they were also in constant contention with each other for the support of emperors and imperial ladies, the imperial court and local governors.

What did the imperial recognition mean in the practice, every day life realities? When the emperor recognized a cult or a group as something to favour or to support, he recognized this cult or religious group as a receiver of privileges and donations. Thus, recognition was not only something abstract, an identity matter, but there was always also the issue of economy involved.[12] Constantine provided the Christian clergy with privileges similar to those of the priests of the traditional Roman religion. The exemption from taxes and curial duties (*munera, leiturgia*) was the most important one. Emperors also supported with funds for the establishment and maintenance of churches and monasteries. The continuation of the emperor's support for the traditional Roman cults – privileges, tax exemptions,

[10] For a survey of varying modern interpretations of Julian's religious programme, see Smith 1995, 207-216. Constantine ordered pagans and Christians to act with moderation toward each other – Julian stressed that people should be persuaded, not forced. Both emphasized concord and social stability.

[11] Brown 1992 has stressed the shared culture and education, *paideia*, that transcended the ethnic and religious differences in the Roman Empire in Late Antiquity; see also Rapp 2005, 180-181, especially in the case of bishops.

[12] This has also been stressed by Nancy Fraser, e.g., in Fraser & Honneth 2003. For the debate, see Petherbridge 2011, 20).

revenues of estates – was, for instance, one of concerns of Symmachus' appeal. Not a minor detail.

In the intra-Christian controversies in particular, it was crucial which Christian group was recognized by the emperor as the true version of Christianity and consequently, as the receiver of the imperial support and privileges. Nicene or Homoian Christians ('Arians')? In the North African disputes, Caecilianists ('Catholics') or Donatists? Therefore, the decisions on which group represented the 'true Christianity' were decisive not only from the viewpoint of doctrine and identity, but also from the economical perspective. A group that lost the rightful possession of the *nomen Christianum* and subsequently the imperial support was in risk of losing properties (church buildings among them) and privileges (such as exemption from curial duties). Towards the end of the fourth century, emperors recognized the Nicene interpretation as the orthodox Christianity. Those Christians who did not fit in the Nicene definition were to be treated as heretics and – what is important – their meeting places were not regarded as churches. This segregation had economic consequences: if their meeting places had not the status of churches, they were exempted from all the privileges that emperors provided for churches.

4. Recognizing the Road

The issues of religious recognition, freedom and toleration were conceptualized with the metaphor of road (*via, iter, hodos*). The metaphor of the road, or path, especially the choice made between two paths – ways of life, or ethical options – was a commonplace in Graeco-Roman as well as in Jewish, Christian and Manichaean literatures. In Greek mythology, for instance, the young heros Heracles was to decide whether to take the easy route to luxury or the difficult one that finally led to immortality. In early Christian writings, the two sharply opposed paths, the path of life and the path of death or the path of light and the path of darkness, abound.[13]

At the turn of the fourth century, the Neoplatonist Porphyry of Tyre remarked that no doctrine has yet been established that would offer a universal path for the liberation of the human soul. Porphyry's statement is preserved in Augustine's discussion in the *City of God* written a century later. Augustine aims to refute Porphyry's claim and to demonstrate that Christianity in fact is the *via universalis* pursued by Porphyry. In his reply, Augustine also appeals to the Johannine *Ego sum via, veritas et*

[13] The metaphor of road is by no means a Graeco-Roman or Christian idiosyncrasy but is found in other cultures as well. For Graeco-Roman and Christian Antiquity, see Gnilka 1993, 28-29 and van Oort 1991, 293.

vita (Jn. 14:6) as the indication of the unique Christian truth. A number of other Christian writers also discussed *via universalis* and insisted upon Christianity as the universal route to all, possibly reacting to Porphyry's statement.[14]

5. Themistius on the Road

Themistius[15] uses the metaphor of the road in his oration 5, addressed to Emperor Jovian in the early 364, discussing the religious policies of the new emperor.[16] Emperor Jovian had become the emperor in the middle of the military crisis, after Emperor Julian's death in the Persian campaign in 363. Themistius is showing his support for Jovian's religious policy that he depicts as moderate. Jovian's legislation on religious issues is not extant and has therefore been much discussed in modern research. Almost all of the information of his religious policy is deduced from this very same speech by Themistius. The intended audience of his oration probably consisted of moderate Christians whom he tries to convince of the utility of Jovian's moderate policy.[17]

Themistius complains about the sudden changeovers in religious policy in the past decades, obviously inferring to the reigns of Constantius II and Julian.[18] We can imagine what a nuisance religious extremism and upright changes in emperors' favouritism had been for a considerable number of people, average Christians and pagans alike. Themistius expresses this disturbance to social stability,

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[14] Augustine, *De civitate Dei* 10.32 (= Porphyry, *De regressu animae*, fr. 12, p. 42,6 Bidez). Porphyry claimed that not even the truest philosophy (probably referring to Platonism), nor the moral teaching of the Indians nor the initiation of the Chaldeans could offer a universal path for the liberation of the soul. As G. Fowden 1993, 39 points out, "much of the argument's original texture has clearly been lost in the Augustinian filter" and it is impossible to reconstruct the entire line of Porphyry's reasoning.

[15] Themistius made an outstanding career not only as a philosopher and teacher of rhetoric, but also as the adviser of emperors and the leading senator in Constantinople, from Constantius II until Theodosius I (but probably not during Julian's reign). Penella 2000, 1-5; Dagron 1968, 5-16; Leppin – Portmann 1998, 1-26; Vanderspoel 1995; Heather – Moncur 2001, 1-42.

[16] Themistius delivered his *Oration* 5 (hereafter Them. *Or.*), first in honour of Jovian's consulship in Ancyra, Jan. 1, 364 and again later in Constantinople.

[17] Themistius' characterization of Jovian's policy is reinforced by the church historian Socrates (*Historia ecclesiastica* 3.25.4) who depicts the emperor's moderate attitude towards religious deviants. For Jovian's policies, see Errington 2006, 173-175.

[18] Especially Them. *Or.* 5.67d. Themistius' oration 5 is not a petition for religious moderation addressed to Jovian as scholars (e.g., Vanderspoel 1995, 148-153) have sometimes interpreted it. Rather, as Heather – Moncur 2001, 34-35, 157-158 suggest, it should be read as a justification and support of the new emperor's already on-going policy: for a survey on the scholarly discussions, see Kahlos 2009, 82-83.

referring to the indictments coming from the capital from each of the two religions (that is, Christian and pagan emperors respectively); these have been more damaging than the attacks of the Persians, the external enemy.[19] Themistius declares Jovian's decree on religious moderation as "no less important" than the peace with the Persians made by the emperor in 363; thanks to the peace with the Persians, the Romans will not be at war with the barbarians while thanks to Jovian's decree, the Romans will live undisturbed by discord with one another.[20]

In addition to this pragmatic reasoning of social stability, Themistius appeals to the uselessness of coercion. The use of force in religious issues is futile. A ruler is not able to compel his subjects in every matter – Themistius praises Emperor Jovian for being aware of this. Some matters such as all virtue and reverence for the divine are beyond compulsion and are stronger than intimidation and the use of force.[21] In religious issues compulsion is inappropriate since religion is an impulse of the soul that should be uncompelled, independent and based on free will.[22]

Referring to the changing tides of imperial policies, Themistius states that it is ridiculous to do service to the imperial purple rather than God.[23] Themistius implies that compulsion in religious matters only produces opportunists who just switch sides in order to please each emperor on the throne. For instance, all people have become *kothornoi*, boots suited to either foot. The same people come to the altars of the traditional gods, sacrifices, shrines and the Christian altars.[24]

God has made the disposition towards piety (*eusebeia*) as a natural part of every human but that the form of worship should depend on each one's own decision.[25] Themistius states that God allows the form of worship to be left to each individual's own decision. Consequently, any coercion would conflict with the liberty (*ten exousian*) that God has granted to humans.[26] Jovian's law decrees that

[19] Them. *Or.* 5.69c.

[20] Them. *Or.* 5.69b-c.

[21] Them. *Or.* 5.67b-c.

[22] Them. *Or.* 5.67c.

[23] Them. *Or.* 5.67c-d.

[24] Themistius alludes to people who under the reigns of Constantius II and Julian converted to Christianity then turned towards paganism and finally even abandoned paganism returning to Christianity. Them. *Or.* 5.67d-68a.

[25] Them. *Or.* 5.68a.

[26] Them. *Or.* 5.68a.

the soul of each human is set free to follow the path of worship it chooses.[27]

Physical violence is useless. Confiscation of property, whipping and burning are all futile. Even if the body is persecuted and killed, the soul will flee with free thought (*eleuthera gnome*). Here Themistius' distinction between physical force and spiritual freedom bears a close resemblance to the argumentation of second- and third-century Christian apologists.[28]

Furthermore, Themistius appeals to the ideas of the supreme deity and the fundamental unity of religions, ideas shared by contemporary intellectuals, pagans and Christians alike. He employs the widespread idea of the supreme deity that all humans seek in different ways and in different forms.[29] Themistius explains the differences between religions as the consequence of the inaccessible magnificence of the supreme deity and of human limitations. Here Themistius resorts to the 'monotheistic koine', the common argumentative language fashionable in Christian, pagan and other educated circles. The concept of the supreme deity was well received and recognized by his listeners, who could accept the argumentation of the supreme deity in accordance with their own religious traditions.[30]

Building upon the mutual agreement on the supreme deity, Themistius is able to proceed to argue for the diversity of religions that he calls *poikilia*, colourfulness, or diversity. He draws an analogy between the supreme deity and the emperor. The emperor had in his command a variety of soldiers and not only soldiers, but also all other people – peasants, orators, magistrates and philosophers. Similarly, the supreme deity, the creator of the universe delights in the diversity of worshippers.[31] The human *poikilia* prevails in accordance with the will of God, who wishes the Syrians (Christians) to administer their things (*politeuesthai*) in one way, the Hellenes (pagans) in another way, and the Egyptians in yet another way.[32] There is diversity even among the Syrians – Christians – themselves

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[27] Them. *Or.* 5.68b.

[28] The resemblances are stressed by Drake 2001, 49 and Ando 1996, 171-209. For the earlier Christian apologists, see Hartmut Leppin's contribution in this volume.

[29] Them. *Or.* 5.68a.

[30] For the monotheistic koine in Late Antiquity, see Athanassiadi – Frede 1999, 16-18, Fürst 2006, 496-523, Salzman 2007, 113, and Stroumsa 2015, 43-44.

[31] Them. *Or.* 5.70a.

[32] Them. *Or.* 5.70a. Themistius divides the subjects of the Empire into three religions, calling Christians Syrians and making Egyptians a distinct group. Porphyry of Tyre and Emperor Julian had referred to Christians with the term

because God has split them into small sects.[33] For Themistius, the division of Christians into different sects is not a negative phenomenon.[34] No one believes in exactly the same way as one's neighbour, Themistius says. Instead, one believes one way while the other thinks in another way.[35]

At the first sight, Themistius' recognition seems to embrace all religious traditions of the Empire. He nevertheless reminds his listeners that Jovian promotes the good things and restrains the bad one, opening up the temples but closing the 'haunts of imposture' as well as allowing 'lawful sacrifices' but forbidding magical practices.[36] Themistius' boundary making is very much in line with the traditional Graeco-Roman thinking. There had been no system of legal or illegal religions as such in the pre-Constantinian Empire.[37] That does not mean that Roman society was a happy family with everyone living and loving side by side. Instead, there were many other ways of forbidding, excluding, marginalizing and harassing, for instance, by the means of the legislation against magic.[38]

Placing Christianity as one among many different regional cults and religions of the Roman Empire, Themistius implies that Christianity is not the unique alternative and that all forms of religions are

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Galileans, which also laid emphasis on the regional origin of Christians and was thus aimed at weakening Christian claims of universality. The Egyptians were occasionally distinguished as a group of their own from Christians and pagans in Late Antiquity. Themistius' use of the term Egyptians has sometimes been interpreted as a reference to the Iamblichean mysteriosophy: Maisano 1995, 36 and Dagron 1968, 155-156.

[33] Them. *Or.* 5.70a. In a lost oration to Valens (mentioned by Socrates, *Historia ecclesiastica* 4.32), Themistius regarded the differences of Christian sects as due to the incomprehensibility of the supreme deity.

[34] On the one hand, diversity of philosophical opinions, cults and religious traditions were appreciated by other pagan writers, e.g., Maximus of Madauros (letter 16, preserved in Augustine's correspondence) who speaks positively about the *discordia concors* of the traditional cults. On the other hand, the unity of a religious or philosophical tradition was highly valued by a number of Platonic authors and most Christian writers (see Kahlos 2007, 68-70).

[35] Them. *Or.* 5.70a.

[36] Them. *Or.* 5.70b. What was understood by 'lawful sacrifices' and the 'haunts of imposture' probably depended on local magistrates' interpretations, according to local circumstances.

[37] Thus, the early fourth-century proclamations (Galerius' decree, Licinius' letter, or the 'Edict of Milan') were a change in pattern of outlining legal and illegal religions. In the earlier scholarship, a Roman system of licit and illicit religions was construed from Tertullian's *Apologeticum* 21.1 in which the writer calls the cult of Jews *religio licita* and *Apologeticum* 39.20 in which he calls the assembly of Christians *coitio Christianorum ... illicita*. However, Tertullian did not write in the terms of Roman jurisprudence here. He introduced for apologetic purposes a new expression *religio licita* that had not existed before as a Roman concept. Strictly speaking, Roman legal writers only mention lawful and unlawful colleges (*collegia*). Beard – North – Price 1998, 237 n. 87; Bendlin 2013, 78.

[38] For the concept of magic and Roman legislation, see Rives 2003, 313-339 and Rives 2006, 47-67.

compatible. This is reinforced with the metaphor of the many paths connected with the theme of competition. Not everyone proceeds on the same course in the shared competition towards the same Judge (*Athlothetes*). Some take this course, others that course, and even those who are weaker than others in the race will not be entirely unrewarded. There is not just one path (*hodos*) leading to the divine. Instead, there are many paths of which one is harder to pass and the other easier, one rocky and the other flat but they all lead towards this same goal.[39] Thus, Themistius maintains that there is some value in all religions or the religious pursuits of all people – even though, it is implied, some are weaker than others.

Connected with the metaphor of many paths, the utility of contest is brought forth. The emperor, namely Jovian, does not prevent the religions of the Empire from competing with one another in piety because mutual competition and rivalry is beneficial. Religions are compared with competitors in a race: they all speed towards the same Judge but along different routes. If there were no competition between religions, people would become lazy and bored. "The spirit is always easily galvanized by opposition to take pleasure in toil", Themistius says, and if the emperor allows only a single route and prohibits the others, he "will fence up the broad field of competition".[40]

Themistius suggests that this competition be held under imperial tutelage. Thus, the emperor's role is to guard the social tranquillity in the Empire. Themistius describes this with the metaphor of the scale that should find its natural equilibrium between the religious traditions by itself. The emperor should not attempt to disturb this balance, forcing one side to go down or the other side to go up.[41] It is implied here that the fourth-century emperors tried to influence the balance with all their decrees and actions. Themistius states that the emperor should let prayers on behalf of his imperial rule, rise to heaven from all sides.[42] Thus, in Themistius' view, the emperor should function in a medial position, some kind of a middle man, a judge in court or a referee in a competition. In the terminology of recognition, religions in the Empire would be recognized and the imperial government would act as the mediating machinery of recognition.[43]

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[39] Them. *Or.* 5.68c-69a.

[40] Them. *Or.* 5.68c; 5.69a. Translated by Heather – Moncur 2001, 168-169.

[41] Them. *Or.* 5.69c.

[42] Them. *Or.* 5.69c. For prayers as the marker of allegiance, see n. 6.

[43] For the mediated recognition, see Koskinen – Palmén 2016 and Heikki J. Koskinen's contribution in this volume.

6. The controversy over the altar of Victory

Jovian's reign turned out to be ephemeral (regn. June 27, 363–February 17, 364). The succeeding emperor Valentinian I (regn. 364-375) and his co-emperor Valens (regn. 364-378) issued a decree at the beginning of their reign in which they granted everyone the freedom to embrace any form of worship (*colendi libera facultas*) one wished.[44] Valentinian and Valens seem to have followed the model of Constantine and Constantius II by forbidding blood sacrifice. Other traditional cult practices such as hymns, candles, libations and anointing were allowed to continue.[45]

Towards the end of the fourth century, during the overlapping reigns of Emperors Gratian (regn. 375-383), Valentinian II (regn. 375-392) and Theodosius I (regn. 379-395), there was a change towards a more intensified policies towards religious unity and laws against religious dissenters, non-Christians ('pagans'), non-Nicene Christians ('heretics'), Jews, Samaritans and Manichaeans, forbidding beliefs and practices deviant from the Nicene Christianity. The Nicene Christianity was declared as the normative religious system of the Empire. In 380, Theodosius I announced in the so called *cunctos populos* decree that the emperors desired to see all the peoples under their government adhering to the *religio* that was then further clarified as the Nicene version of Christianity.[46] This is a very complex issue and I would not like to represent it in a teleological manner and as too simple a drive towards religious intolerance. The details of imperial policies and practical enactments are far from clear and are still continuously debated in scholarship. For our discussion here, however, it suffices to state that the space of other religions was diminished and it is in these circumstances that another pagan apologist, Symmachus appealed for the recognition of the status of the traditional cults from Christian emperors.

Even in the post-Constantinian Empire, the traditional Roman cults enjoyed public subsidies and the emperor remained the head of the Roman priestly college, the *pontifex maximus*, thus a head of the

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[44] The proclamation is not extant but Valentinian I and Valens refer to it in their decree of 371: *Codex Theodosianus* 9.16.9. This declaration of *libera facultas* resembles Licinius and Constantine's proclamation of 313 ('Edict of Milan') that granted everyone the freedom to follow whatever *religio* one wished.

[45] *Codex Theodosianus* 9.16.8 prohibited all sacrifices, both public and private, by day as well as by night while *Codex Theodosianus* 9.16.9 permitted public soothsaying unless it was used for harmful purposes.

[46] *Codex Theodosianus* 16.1.2 (in 380) defined *religio* as the one that had been passed on by Apostle Peter and followed by Damasus, Bishop of Rome, and Peter, Bishop of Alexandria, and was defined yet further in terms of the Nicene Trinitarian doctrine. For the influence of the *cunctos populos*, Garnsey – Humfress 2001, 141-142.

traditional Roman *religio*, probably until the reign of Emperor Gratian.[47] This means that the traditional Roman cults maintained imperial recognition – at least in theory. This situation may look messy from our perspective but from the Roman perspective was 'normal' or 'typical': the emperors gave their support and consequently, recognition, to cults here and there.

This was changed.

Emperor Gratian removed the public subsidies of the traditional Roman cults, annulled the economic privileges of the Roman priests and priestly colleges, for instance, Vestals, and confiscated the revenues of some temples.[48] This has often been interpreted in modern scholarship as the separation of the state and religion in the Roman society – but that might be an anachronistic way of outlining the ancient world. The controversy over the altar of Victoria, the personified deity of victory, at the senate house in Rome belongs to this situation. For Christian rigorists the altar represented idolatry. Emperor Gratian had it removed.

In 384, during the reign of Gratian's successor, the thirteen-year-old Valentinian II, Symmachus (c. 345–c. 402) wrote an appeal for returning the altar back to the senate house and at the same time for the continuation of imperial support of the traditional Roman cults and the privileges that Roman priests enjoyed.[49] As I already mentioned, the imperial recognition was also an issue of economic benefits. Almost half of Symmachus' appeal was dedicated to the economic privileges and the revenues of pagan temples.[50] The episode has become famous in the modern scholarship and it has been regarded as one of the most important ancient appeals for religious tolerance.[51] It seems that for

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[47] The date is also under scholarly dispute; for a discussion, see Cameron 2011, 644-647 and Cameron 2016.

[48] Gratian's decree on subsidies and revenues has not been preserved but *Codex Theodosianus* 16.10.20 issued by Honorius in 415 refers to it. The revenues of the Vestal Virgins became a key issue in the dispute on the altar of Victoria between Symmachus and Bishop Ambrose.

[49] Symmachus' plea was in the form of an administrative report (*relatio* 3, hereafter Symm. rel. 3) that he wrote as the prefect of the city of Rome nominally to all three reigning emperors, Valentinian II, Theodosius I and Arcadius, but in practice for Valentinian II, then at the court of Milan.

[50] Symm. rel. 3.11-19. This gave Ambrose in his reply (Letter 18.11) a good opportunity to label 'pagans' as interested only in the economic advantages: "We [Christians] glory in the blood spilt by martyrs. They [pagans] are upset by expense" (trans. Liebeschuetz 2005, 84).

[51] For the controversy, see e.g., Klein 1972, Canfora 1991, and the articles in *Colloque genevois sur Symmaque à l'occasion du mille six centième anniversaire du conflit de l'autel de la Victoire*, Paris 1986.

contemporary Romans, it was not such a great incident as it is to modern scholars even though Ambrose, Bishop of Milan (c. 334-397), composed two letters in reply to Symmachus and turned the controversy into an issue of faith for Christian rulers (for Ambrose's reply, see below).

6.1. Symmachus says:

The Roman senator Symmachus was famous for his eloquence and therefore was capable of using sophisticated rhetorical skills in arguing for the maintenance of imperial support and recognition of the traditional Roman cults.[52]

Symmachus appeals to the example of preceding emperors who 'from both sects and both inclinations' (*utriusque sectae utriusque sententiae*) – Symmachus refers to both non-Christian and Christian emperors – had pursued a policy of religious moderation: earlier (non-Christian) emperors had observed the ancestral rites and recent (Christian) rulers had not removed them. If the religion of the ancient emperors could no longer serve as an example for the present ones, then the *dissimulatio* of the more recent ones should be set the rule. It is difficult to translate *dissimulatio* here but the meaning is positive. It usually means turning the blind eye, negligence, laissez-faire and – in Symmachus' use, something similar to toleration.[53] Symmachus uses Emperor Constantius II (whom some other ancient writers and modern scholars would not see as such a moderate ruler) as an example: this emperor, even though he himself observed a different set of rites (*alias religiones*, that is, Christianity), preserved the other rites with his ruling.[54] In spite of his own religious conviction, the emperor let other religions continue.

Symmachus introduces the idea that all people worship the same deity, the supreme God: "whatever all worship can be, with good reason, regarded as one and the same" (*Aequum est, quidquid omnes colunt, unum putari*). With this statement, he aims at establishing a common basis for both all forms of piety. Furthermore, "each has one's own religious custom and one's own rite" (*suus enim cuique mos, suus ritus est*). This diversity of religious traditions is authorized by the supreme deity, which

[52] For an analysis of Symmachus' rhetorical techniques, see Klein 1972.

[53] Barrow 1973, 37 translates *dissimulatio* as 'the policy of the blind eye', Klein 1972, 101 as 'Duldsamkeit', and Canfora 1991, 145 as simply 'tolleranza'. *Dissimulatio* is usually, for instance, in legislative texts, pejorative: it is pretence, deception, trickery and negligence. Ambrose (see n. 62) uses the word in a negative tone. For the use of *dissimulatio*, see Kahlos (forthcoming).

[54] Symm. rel. 3.3; 3.7.

Symmachus calls the divine intellect, *mens divina* that has assigned different cults as protectors to different cities (*varios custodes urbibus cultus mens divina distribuit*).[55] *Mens divina* is to be understood as a modified form of the Greek concept of *nous*, the divine intellect, recurrent in contemporary discussions, including popular philosophy.[56] By using the concept of the supreme deity, Symmachus appeals to the monotheistic koine of his time, in a manner similar to Themistius.

Then Symmachus introduces the metaphor of road in order to build the common ground of religious traditions: "We gaze at the same stars; the same sky is common to us all, the same world twists around us: therefore, what does it matter which system of wisdom each human uses to search for the truth? Such a great mystery (*tam grande secretum*) cannot be reached by one way only."[57] Both in Symmachus' and Themistius' argumentation we can perceive that as skilled orators they aim at building a consensus among their audiences, pagans and Christians alike, making use of shared premises, for instance, on the supreme deity and the internal unity of religions, and popular imagery and metaphors, for example, that of the many roads.[58] What is shared by the pagan and Christian learned elites is the common language and the view of the world governed by the divine sphere.

6.2. Ambrose replies:

Ambrose, Bishop of Milan wrote two letters to Emperor Valentinian II in reply to Symmachus' appeal.[59] Whatever Symmachus' motivations – among them the need to guarantee the economic privileges for the continuation of traditional Roman cults – possibly were, he requested that the imperial policy of *dissimulatio* towards traditional cults should be maintained. What Ambrose did in his replies was to turn Symmachus' appeal for the recognition and coexistence of religious traditions into a polarized dichotomous contraposition between pagans and Christians as well as into a test of

[55] Symm. rel. 3.8; 3.10.

[56] *Nous* is the second hypostasis of the Neoplatonic trinity of the One (*Hen*), Intellect (*Nous*) and Soul (*Psyche)*. Furthermore, *nous* is the first emanation from the One and was regarded as the Creator God.

[57] Symm. rel. 3.8: *Eadem spectamus astra, commune caelum est, idem nos mundus involvit: quid interest, qua quisque prudentia verum requirat? Uno itinere non potest perveniri ad tam grande secretum*.

[58] The resemblances reflect the common notions employed in the discussions of religious plurality in the fourth century. Furthermore, it is possible that Symmachus knew Themistius' orations and was even personally acquainted with him.

[59] Ambrose, Letters 17-18 (= letters 72-73 in *Corpus Scriptorum Ecclesiasticorum Latinorum* 82.3) (hereafter Ambr. ep. 17 and Ambr. ep. 18). The appeal had impressed the imperial court with its argumentation and eloquence, or at least it is how Ambrose represents the affair: Ambrose, *De obitu Valentiniani* 19. For Ambrose of Milan, see McLynn 1994 and Liebeschuetz 2005, 1-46.

belief and conviction for the emperor.

Ambrose reminds Valentinian II of his duties as a Christian emperor: he must defend the true religion. Christian rulers are the servants of the omnipotent God in the same way as all humans are the subjects of the emperors. A person who made any compromises with pagans was participating in a pagan sacrifice.[60] Consequently, making compromises was comparable to apostasy. Ambrose also threatens the emperor with excommunication from the church. He insists upon a choice, quoting the Biblical words 'you cannot serve two masters' (*Non potestis duobus dominis servire*, Mt 6:24). For Ambrose, the emperor definitely cannot remain in the middle; instead, the emperor needs to take a stand.[61]

Ambrose reminds that God is to be served with the zeal of faith and devotion (*fidei studium et devotionis*), not with pretence and indifference (*non dissimulationem, non conniventiam*).[62] He grips the word *dissimulatio* that Symmachus used in a positive sense and twists it into a negative use, meaning dishonesty or pretence, even corruption, thus turning the term against Symmachus.[63]

Furthermore, Ambrose argues that he is in fact protecting the freedom of faith of the emperor (and Christian senators in the senate) against the machinations of pagans. The pagan practices are seen as a threat to the liberty of Christians. The ritual of burning incense at the altar of Victoria pollutes Christian senators. "'Everybody ought to be free to defend the sincere conviction of his mind, and to hold on to it", Ambrose writes.[64]

What would be the space for non-Christian cults in the Empire, in Ambrose's vision? His standpoint

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[60] Ambr. ep. 17.8: *Quisquis hoc suadet, sacrificat, et quisquis hoc statuit*: "anyone who advises or decrees performs a sacrifice".

[61] Ambr. ep. 17.13-14. Furthermore, God must be set before all other things: Ambr. ep. 17.6: *sed deum certum est omnibus praeferendum*. Ambrose addressed his letter as a restoration of Christian discipline not only for Valentinian II, but also for the Christian aristocrats who sympathized with Symmachus' plea. For Ambrose, those Christians who supported compromises with pagans were Christians only in name (*aliqui nomine Christiani*: Ambr. ep. 17.8).

[62] Ambr. ep. 17.2; again ep. 18.29: *dissimulationem principum*.

[63] See Kahlos (forthcoming).

[64] Ambr. ep. 17.7: *libere enim debet defendere unusquisque fidele mentis suae*; trans. Liebeschuetz 2005, 65; ep. 17.11: *... qui nolunt esse liberum tibi non iubere quod non probes, servare quod sentis*? Ambr. ep. 17.9-10: Christian senators are deprived of their dignity while pagan senators are allowed to fulfil their impious aspirations. The argumentation is enhanced with the claim that Christian senators form the majority of the senate. For Ambrose's argumentation, see Klein 1972, 46-47 and Garnsey 1984, 16.

here is what we can call misrecognition, or denial of recognition. The gods of the others are simply demons (*dii enim gentium daemonia*) and the religious tradition of the others is *superstitio*, and even *superstitio aliena*.[65] As we saw above, pagan practices pollute Christians. Ambrose offers a policy in which Christians and pagans have separate, strictly distinguished paths. He writes that "let them [pagans] keep their means of protection [their tutelary gods and cult practices] to themselves, and let them [gods and cults] defend their own – if they can". This has sometimes been taken as some sort of concession of liberty to pagans.[66] Along these lines, we could say that Ambrose is ready to give non-Christians something which has been called 'permission concept of tolerance' (Rainer Forst), 'repressive tolerance' (Wendy Brown), 'insult' (J.W. Goethe), or condescending *concord* in which a deviating religious group is tolerated for the time being but the eventual conversion of the group into the dominating religion is expected (M. Turchetti).[67]

Ambrose nonetheless drives pagans to the marginal. His "let them keep their means … let them defend …" is by no means an amiable acceptance of pagan practices but instead expresses a condescending and scornful tone. Ambrose states that Christianity and pagan religions cannot have anything in common: Christians could not endure fellowship with the errors of the other (*Alieni erroris societatem suscipere non possumus*)[68] and pagans' affairs did not go with Christian ones (*Non congruunt igitur vestra nobiscum*).[69] The lives of religious groups are to be separate and segregated. Is segregation the prerequisite for 'toleration'? The emperor is Christian, and in Ambrose's view, 'a Christian emperor has learnt to honour no one but Christ'.[70] The conviction of the emperor sets the tone of the whole Empire.

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[65] Ambr. ep. 17.1: '*Dii enim gentium daemonia, sicut Scriptura dicit* [Ps 95:5]'; 17.6: Symmachus' religious tradition is *superstitio*; 17.17: *superstitio aliena*; Ambr. ep.18.10: *Reposcantur haec a consorte superstitionis*; *gentiles superstitionibus suis*.

[66] Ambr. ep. 18.22: *Sibi habeant praesidia sua; suos, si possunt, illa defendant*; see also Ambr. ep. 17.6-7. Rosen 1994, 35-36 sees Ambrose' stance as in an overtly positive light (speaking even of *Anerkennung*).

[67] Brown – Forst 2014, 15: "Permission conception: you are tolerated on a set of conditions, you are given permission to exist but all the power is in the hands of the one who grants this permission." Brown – Forst 2014, 23-24: 'repressive tolerance'. Goethe, Maximen und Reflexionen 151: "Toleranz sollte eigentlich nur eine vorübergehende Gesinnung sein: Sie muss zur Anerkennung führen. Dulden heißt beleidigen." Turchetti 1991, 15, 20-2, 25, makes a distinction between concord and toleration, based on the French 16th- and 17th-century texts; see also Nederman – Laursen 1996, 9.

[68] Ambr. ep. 17.13-14.

[69] Ambr. ep. 18.8.

[70] Ambr. ep. 18.10.

Ambrose also gets to the metaphor of road and rejects Symmachus' idea of the unattainability of the great secret (*tam grande secretum*) through one path only. He works out the dichotomy of pagan ignorance and the Christian truth. Christians have already uncovered the great mystery.[71]

It may appear that Symmachus and Ambrose are, so to say, talking past one another, or having a dialogue between the deaf.[72] If one wants to see something positive in the dispute, one can say that there is a regime of recognition on the learned level between the discussants. In fact, the discussants Symmachus and Ambrose have much in common, they represent the same aristocratic elite, recognizing each other as cultivated discussants, moving on the common cultural ground of Graeco-Roman paideia, and using shared symbols and literary devices. Ambrose aknowledges Symmachus as the most celebrated orator of his time.[73] The same applies to Themistius and his probable audience. The shared *paideia* and the use of shared language presupposes a certain form of recognition of all participants, if not as equally authoritative or as proper religious agents, at least as cultivated and eloquent discussants.[74] For instance, shared language and worldview make it possible for Symmachus to appeal to the divine order and supreme deity, and for Ambrose to twist the word *dissimulatio* against Symmachus. He understands the force of Symmachus' strategy and needs to refute the interpretation of *dissimulatio* in Symmachus' terms.[75] For Ambrose *dissimulatio* is clearly negative, the wrong kind of toleration.

7. Aftermath

The altar of Victoria was never returned to the senate house in Rome. Symmachus' appeal raised yet one reply by the Christian poet Prudentius in *Contra orationem Symmachi* usually dated to 402/403. It is uncertain whether Symmachus was still alive that time. Prudentius worked in the poetic manner on the metaphor of road and rejected the many paths as the work of the devil. The *simplex via* of Christianity was free from error.[76] Prudentius tells pagans to keep away from proper Christians.

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[71] Ambr. ep. 18.8.

[72] Vera 1981, 15: 'Un dialogo fra sordi'; Paschoud 1990, 566 also speaks of 'un dialogue de sourds'.

[73] This has been stressed by Gualandri 1995, 242-249; Garnsey 1984, 24; Meslin 1964, 17-18 even speaking about 'deux totalitarismes religieux qui se manifestent'; see also McLynn 1994, 264; Kahlos 2007, 76-77.

[74] Habermas 1991; Iser 2013.

[75] Wendy Brown 2006, 25 is correct in stressing tolerance as a discourse of power and showing that tolerance "does not operate as a conception, it operates as a discourse; and if it operates as a discourse that means it is already organized by certain arrangements of power that it masks".

[76] Prud. c. Symm. 2.889-891; *simplex via*: 2.849-850.

Pagans cannot have any fellowship of paths (*consortia nulla viarum*) with God's people.[77]

After the transitional period in the late fourth century, imperial religious policies, especially by Emperor Theodosius I, took a more authoritarian and coercive shape. It is difficult to avoid representing the narrative of fourth-century Roman society as too simple a trend towards religious intolerance – the coercive turn that Christianity took in the aftermath of Constantine's conversion.[78] To avoid this, it is imperative to stress that, for instance, church leaders such as Ambrose of Milan do not represent all Christians of the period, not all even ecclesiastical writers. Christianities were by no means a unified tradition. The same applies to the people whom Christian writers called 'pagans'. They were by no means a unified group and probably had very little in common with each other. As a matter in fact, 'pagans' were the neat category created by Christian writers to refer to their religious others, and they only exist in relation to the 'Christians'.[79] Themistius probably had less in common, for example, with Emperor Julian's militant strand of Hellenism than with moderate Christians, and vice versa, moderate Christians most likely were closer to moderate pagans than to Ambrose.

In the research of late antique identities, there is an on-going vigorous discussion on the boundaries of Christianity, paganism, and groups in general. and an enterprise of going beyond 'groupism'.[80]

It is time to recognize the ancients as individuals,[81] not only as groups.

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[77] Prud. c. Symm. 2.901-902.

[78] Drake 2011, 218.

[79] For the concepts of paganism and Christianity, see Kahlos, *Debate* 15-28 and M. Vinzent, *Das 'heidnische' Ägypten im 5. Jahrhundert*, in J. van Oort – D. Wyrwa (eds.), *Heiden und Christen im 5. Jahrhundert*, Leuven 1998, 32-65.

[80] For discussions on groups and identities, see, e.g., Lieu 2004, Stowers 2011, and Rebillard 2012. The term 'groupism' is from Brubaker 2004, who warns scholars from sticking to group categories. Warnings are also expedient for the study of the past.

[81] This is not to speak about individuals in the modern sense of the word. The emergence of new individuality from the early imperial period onwards in discussed in the articles in *The individual in the religions of the Ancient Mediterranean*, ed. Jörg Rüpke, 2013.